

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FEB 19 2008

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

VITALIY STRIZHEUS,

RESPONDENT.

)
) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, RECOMMENDED ORDER
) AND ORDER

)
) CAUSE NO. A-1760
)
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)

This matter came on for hearing on the 5th day of February, 2008, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Joel F. Green. Vitaliy Strizheus (Respondent) was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed insurance producer whose registered business address with the Nebraska Department of Insurance as 615 N. Shawnee Avenue, Sioux Falls, South Dakota. **E1.**
2. On March 6, 2007, the Nebraska Department of Insurance issued an Order fining Respondent \$1,000 for violations of Nebraska insurance law. See A-1679. Pursuant to the Order, Respondent was to pay the fine within thirty days. **E3.**

3. On March 7, 2007, Tracy Gruhn, (Gruhn) a licensed notary public mailed a copy of the hearing to Respondent's business address which is noted above. On or about March 28, 2007 the certified letter was returned to the Nebraska Department of Insurance by the United States Post Office and marked as "Unclaimed". E1-3.

4. On December 21, 2007, the Nebraska Department of Insurance filed a Petition against Respondent for, essentially, failure to pay the fine.

5. On December 21, 2007, Gruhn attempted to serve Respondent at the aforementioned business address but, on January 7, 2008, the certified letter was returned to the Department of Insurance.

6. Jason McCartney, licensing administrator for the Nebraska Department of Insurance, reviewed his records and found that Respondent had not paid the \$1,000 fine stemming from A-1679.

CONCLUSIONS OF LAW

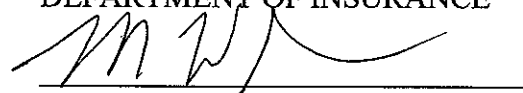
1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.
3. Respondent violated Neb. Rev. Stat. §44-4059(1)(b).

RECOMMENDED ORDER

It is the recommendation of the Hearing Officer that Respondent, Vitaliy V. Strizheus, have his license revoked by the Nebraska Department of Insurance. He has failed to obey an order of the Director of Insurance and has yet to pay his fine from a previous administrative matter. Respondent's inactions merit revocation.

Dated this 13th day of February, 2008.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



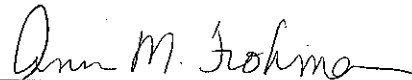
Martin W. Swanson
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska, Department of Insurance vs. Vitaliy Strizheus, Cause No. A-1760.

Dated this 19 day of February, 2008.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Ann M. Frohman
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at 615 North Shawnee Avenue, Sioux Falls, South Dakota 57103, by certified mail, return receipt requested, on this 19th day of February, 2008.

